

## **REMARKS**

### **Status of the Claims**

Claim 1 – 11 and 13 - 17 are pending in the present application.

Claim 1 and 2 have been amended.

Claim 12 has been cancelled.

Claim 18 - 21 have been withdrawn.

### **Information Disclosure Statement**

The information disclosure statement filed on 4/2/2008 was objected to for failing to comply with 37 CFR 1.97. The examiner is correct that the Martin has been submitted before. The reference will not be resubmitted.

### **Claim Objections**

Claim 2 is objected to because of extra spaces in the first line of the claim. Claim 2 has been amended to overcome the objection.

### **Claim Rejection**

Claims 1-5, 8, 10-11, and 17 stand rejected under 35 USC § 102 (b) as being anticipated by Venkatraman et al.

Claim 1 has been amended to incorporate the elements of claim 12. The second dielectric gradient region is present in the dielectric layer. This second gradient layer as stated by the examiner is not present in Venkatraman. In view of the amendment, applicant believes the claims are now allowable and respectfully requests reconsideration.

Claims 1-4, 8, and 17 stand rejected under 35 USC 102 (e) as being anticipated by Wallace et al.

Claim 1 has been amended, as stated above to include at least two gradients in the

same layer. Wallace discloses multiple layers as opposed to a single layer as taught by applicant. In view of the amendment, applicant believes the claims are now allowable and respectfully requests reconsideration.

Claims 6-7 and 12-13 stand rejected under 35 USC 103(a) as being unpatentable over Venkatraman et al. in view of Gates et al. and Ikeda et al.

As stated by the examiner, Venkatraman is silent with respect to different dielectric layers. However, as applicant points out, claim 1 claims a multiple dielectric regions in the same dielectric layer. As applicant states in paragraph 8, “The process comprises applying to the substrate, via chemical vapor deposition, a continuously varying composition of chemical vapor deposition precursors to form a first dielectric gradient region in which a dielectric constant  $k$  decreases continuously from a maximum value to a minimum value with distance from the substrate surface.” Thus a single layer is taught with multiple gradients. Gates teaches multiple layers. In view of the amendment, applicant believes the claims are now allowable and respectfully requests reconsideration.

Claims 14-16 stand rejected under 35 USC 103(a) as being unpatentable over Venkatraman et al. in view of Conti et al. and Ikeda et al.

Applicant submits that in view of the amendment to claim 1 and the arguments above, applicant believes the claims are now allowable and respectfully requests reconsideration.

Claim 9 stands rejected under 35 USC 103(a) as being unpatentable in view of Venkatraman et al. in view of Martin et al.

Applicant submits that in view of the amendment to claim 1 and the arguments above, applicant believes the claims are now allowable and respectfully requests reconsideration.

#### Reservation of Rights

In the interest of clarity and brevity, Applicant may not have equally addressed every assertion made in the Office Action; however, this does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization

of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

### **Conclusion**

In view of the preceding remarks, Applicants respectfully submit that all pending claims are now in condition for allowance. Favorable reconsideration and allowance of the claims are respectfully requested.

No fees are believed to be due in connection with this paper. However, if there is any such fee due, please charge any such fee to the deposit account No. 09-0458.

Respectfully submitted,

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